

AO 120 (Rev. 2/99)

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Northern District California on the ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 11-00994 JCS	DATE FILED 3/3/2011	U.S. DISTRICT COURT 450 Golden Gate Avenue, 16 th Floor, San Francisco CA 94102
PLAINTIFF JAMES T. GAVIN, ET AL		DEFENDANT QUABBIN INC., ET AL
PATENT OR	DATE OF PATENT	HOLDER OF PATENT OR TRADEMARK
1 5,150,651		***See Attach Complaint***
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4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wiekling	(BY) DEPUTY CLERK Gina Agustine-Rivas	DATE March 3, 2011
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

COPY

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ATTORNEYS FOR PLAINTIFFS
JAMES T. GAVIN
CARLOS FLORES

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JCS

JAMES T. GAVIN and CARLOS FLORES,
Plaintiff,

v.

QUABBIN INC., a corporation; ALL
PRINTING RESOURCES INC., a
corporation; and PRINT TECH SOLUTIONS
LTD., a corporation,
Defendants.

CV 11 0994

PLAINTIFFS' COMPLAINT FOR
PATENT INFRINGEMENT;
DEMAND FOR JURY TRIAL

ECF DOCUMENT

I hereby attest and certify this is a printed copy of a
document which was electronically filed with the United States
District Court for the Northern District of California.

Date Filed: 3/3/11

RICHARD W. WIEKING, Clerk

By: GINA AGUSTINE, Deputy Clerk

Plaintiffs JAMES T. GAVIN and CARLOS FLORES allege as follows:

INTRODUCTION

1. This is an action in law and equity for patent infringement arising out of Defendants infringement of Plaintiffs' U.S. Patent No. 5,150,651 ("the 5,150,651 Patent"), in violation of the Patent Laws of the United States, as set forth in 35 U.S.C. §§ 271 and 281-285.

PARTIES

2. Plaintiff JAMES T. GAVIN (hereinafter "Plaintiff GAVIN") is a natural person residing in the State of California, County of Contra Costa, who lawfully operates a business from his place of residence.

1 3. Plaintiff CARLOS FLORES (hereinafter "Plaintiff FLORES") is a natural person
2 residing in the State of California, County of San Francisco.

3 4. Upon information and belief, Defendant QUABBIN INC. (hereinafter "Defendant
4 QUABBIN") is a corporation, having its address and principal place of business at 61 East River
5 St., Orange, MA 01364.

6 5. Upon information and belief, Defendant ALL PRINTING RESOURCES, INC.
7 (hereinafter "Defendant ALL PRINTING") is a corporation, having its address and principal
8 place of business at 140 W. Lake Dr., Glendale Heights, IL 60139.

9 6. Upon information and belief, Defendant PRINT TECH SOLUTIONS LTD.
10 (hereinafter "Defendant PRINT TECH") is a corporation, having its address and principal place
11 of business abroad.

12 **JURISDICTION AND VENUE**

13 7. This Court has jurisdiction over the subject matter of this action pursuant to 28
14 U.S.C. §§ 1331 and 1338.

15 8. This Court has personal jurisdiction over Defendant QUABBIN upon information
16 and belief, Defendant QUABBIN: (1) regularly solicits business in California; (2) has advertised,
17 offered to sell, and has sold a product in California that infringes on one or more claims of the
18 5,150,651 Patent in this judicial district and elsewhere; and (3) willfully infringed on Plaintiffs
19 5,150,651 Patent, in which Defendant QUABBIN knew or should have known Plaintiffs reside
20 in California and Defendant QUABBIN knew or should have known the brunt of Plaintiffs harm
21 would be suffered in California.

22 9. This Court has personal jurisdiction over Defendant ALL PRINTING upon
23 information and belief, Defendant ALL PRINTING (1) regularly solicits business in California;
24 (2) has advertised, offered to sell, and has sold a product in California that infringes on one or
25 more claims of the 5,150,651 Patent in this judicial district and elsewhere; and (3) willfully
26 infringed on the 5,150,651 Patent, in which Defendant ALL PRINTING knew or should have
27 known Plaintiffs reside in California and Defendant ALL PRINTING knew or should have
28 known the brunt of Plaintiffs harm would be suffered in California.

1 10. This Court has personal jurisdiction over Defendant PRINT TECH upon
2 information and belief, Defendant PRINT TECH: (1) regularly solicits business in California; (2)
3 has advertised, offered to sell, and has sold a product in California that infringes on one or more
4 claims of the 5,150,651 Patent in this judicial district and elsewhere; and (3) willfully infringed
5 on the 5,150,651 Patent, in which Defendant PRINT TECH knew or should have known
6 Plaintiffs reside in California and Defendant PRINT TECH knew or should have known the
7 brunt of Plaintiffs harm would be suffered in California.

8 11. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b).

9 **FIRST CAUSE OF ACTION**

10 **AGAINST ALL DEFENDANTS**

11 **INFRINGEMENT OF U.S. PATENT NO. 5,150,651**

12 12. Plaintiff FLORES is the inventor of the 5,150,651 Patent and owns a partnership
13 interest in and to an improved doctor-blade assembly for a flexographic press having an ink
14 metering roller. The improved doctor-blade assembly includes an ink fountain having elastomer
15 seals to improve end sealing of the ink fountain and to improve division of the fountain into
16 discrete sections without cross bleed of different inks, and in which the assembly includes
17 protective guard boots on an actuating mechanism that displaces the ink fountain into operating
18 position with an ink metering roller to prevent crusting of ink in the actuating mechanism,
19 affecting alignment of the assembly in the operating position.

20 13. Plaintiff GAVIN owns a partnership interest in and to an improved doctor-blade
21 assembly for a flexographic press having an ink metering roller. The improved doctor-blade
22 assembly includes an ink fountain having elastomer seals to improve end sealing of the ink
23 fountain and to improve division of the fountain into discrete sections without cross bleed of
24 different inks, and in which the assembly includes protective guard boots on an actuating
25 mechanism that displaces the ink fountain into operating position with an ink metering roller to
26 prevent crusting of ink in the actuating mechanism, affecting alignment of the assembly in the
27 operating position.
28

1 14. Upon information and belief, the Ink Seals manufactured, marketed, used, sold
2 and/ or offered for sale by Defendant QUABBIN, in the United States infringes one or more
3 claims of the 5,150,651 Patent. Defendant QUABBIN also infringed on the 5,150,651 Patent by
4 knowingly and actively inducing others to infringe through the sale and use of the 5,150,651
5 Patent.

6 15. Upon information and belief, the End Seals manufactured, marketed, used, sold,
7 and/ or offered for sale by Defendant ALL PRINTING, in the United States infringes one or
8 more claims of the 5,150,651 Patent. Defendant ALL PRINTING also infringed on the
9 5,150,651 Patent by knowingly and actively inducing others to infringe through the sale and use
10 of the 5,150,651 Patent.

11 16. Upon information and belief, the Chamber End Seals manufactured, marketed,
12 used, sold, and/ or offered for sale by Defendant PRINT TECH, in the United States infringes
13 one or more claims of the 5,150,651 Patent. Defendant PRINT TECH also infringed on the
14 5,150,651 Patent by knowingly and actively inducing others to infringe through the sale and use
15 of the 5,150,651 Patent.

16 17. Upon information and belief, Defendant QUABBIN has, therefore, willfully,
17 deliberately and wantonly engaged in acts of infringement of the 5,150,651 Patent and such acts
18 of infringement causing irreparable harm will continue, with no adequate remedy at law, unless
19 enjoined by this Court according to 35 U.S.C. § 283.

20 18. Upon information and belief, Defendant ALL PRINTING has, therefore,
21 willfully, deliberately and wantonly engaged in acts of infringement of the 5,150,651 Patent and
22 such acts of infringement causing irreparable harm will continue, with no adequate remedy at
23 law, unless enjoined by this Court according to 35 U.S.C. § 283.

24 19. Upon information and belief, Defendant PRINT TECH has, therefore, willfully,
25 deliberately and wantonly engaged in acts of infringement of the 5,150,651 Patent and such acts
26 of infringement causing irreparable harm will continue, with no adequate remedy at law, unless
27 enjoined by this Court according to 35 U.S.C. § 283.
28

1 20. Upon information and belief, Defendants knowingly, willfully, and wantonly
2 infringed the 5,150,651 Patent, entitling Plaintiffs to increased damages pursuant to 35 U.S.C. §
3 284, and attorneys' fees incurred in prosecuting this action pursuant to 35 U.S.C. § 285.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiffs pray for judgment as follows:

- 6 1. For an award of compensatory damages in an amount to be proven at trial;
7 2. For a preliminary and permanent injunction enjoining further infringement
8 and inducement of the 5,150,651 Patent;
9 3. For an award of enhanced damages pursuant to 35 U.S.C. § 284;
10 4. A finding that this case is exceptional and an award to Plaintiffs of their
11 attorneys' fees and costs as provided under 35 U.S.C. § 285; and
12 5. For all other relief the Court deems just and proper.

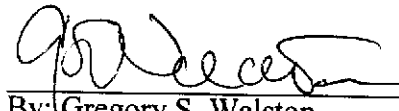
13 **DEMAND FOR JURY TRIAL**

14 **Plaintiff demands trial by jury.**

15 Dated: February 18, 2011

Respectfully Submitted,

16 WALSTON CROSS, Attorneys

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18 By: Gregory S. Walston

19 Attorney for Plaintiff